

SUMMARY OF COMMENTS RECEIVED TO DATE

Regarding

Draft Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary.

1. The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.

Comments:

Agreed, although we aren't sure what role you see for the California Department of Fish and Game. Hopefully this is to analyze the degree to which State MPAs actually contribute to ecosystem health (SAC Fishing and Harbor reps: K. Fosmark, T. Canale, H. Egan, L. McIntyre, P. Grenell).

Note: PFMC has recently established a Groundfish Essential Fish Habitat Review Committee, which is made up of fishery scientists (myself as one), seafloor geologists (Gary Greene included), and reps from NMS (Bowlby from OCNMS and Reyna from GOFNMS), Fishing Industry, Enforcement, and Conservation (Oceana and PMCC). This committee was identified in the Council's Amendment 19 to the Pacific Coast Groundfish Management Plan with the general duty of reviewing and recommending modifications in the designation of groundfish EFH and habitat areas of particular concern (HAPC). The large EFH MPAs off the west coast will be part of this review process. The MBNMS MPA process should coordinate in particular with this Review Committee (M. Yoklavich).

RAP did not agree as a group to move forward with MPAs in Federal waters. MPA process should be left in the hands of NMFS, PFMC (Cailliet comment during RAP meeting)

NMFS should be given priority to manage living marine resources; agencies shouldn't have overlapping guidance (Sharp comment during RAP meeting).

NMFS, PFMC is already involved in identification of EFH, and established large MPAs along the coast; therefore "dialogue" (in concept #1) is not strong enough; more structure needs to be involved with EFH process currently going on (Yoklavich comment during RAP meeting) Timelines for input by coordinating agencies should be made clear to ensure opportunities to comments do not unduly delay the process (CWG as per K. Gaffney).

From a social science and public policy research perspective, these two comments (1 and 7) are related. Concept 7 could be read as a plan to conduct an "institutional analysis" that identifies agencies and other organizations, their jurisdictions and authorities (e.g., geographic scope, types of activities they govern or have a say in governing, power relative to others), etc. The need for this analysis was identified at our RAP meeting at Elkhorn Slough last September. Such an analysis would be helpful in identifying the full suite of agencies with which the Sanctuary could

or should coordinate its efforts (on arrangement of issues including but not limited to MPAs (C. Pomeroy).

2. The ONMS is evaluating the concept of coordination with NOAA Fisheries on the NEPA steps and analysis for this process.

Comments:

Agree (SAC Fishing and Harbor reps).

Feds will do NEPA process, which is beyond what the state did; State's process was simpler; NOAA will ultimately make a decision here (Pomeroy comment during RAP meeting)

3. The process ahead will capitalize on previous work: incorporate MPA action plan into a "Master plan"* and use areas of interest (AoI) as a starting point for working group (WG).

Comments:

Who will draft the master plan? I assume the sanctuary. If so, it will need to be presented as the mandate under which the SAC and WGs are operating (C Harrold).

I'm not sure this is a good idea. May be better off to shed all vestiges of previous working group process. The data upon which these areas of interest are based could and should still be used (C Harrold).

We would caution against using the title "Master Plan" as the public could become confused with the Master Plan used in the State's effort. Perhaps "Federal MPA Process Guidance Document", or "Federal MPA Work Plan" would be more appropriate. A timeline needs to be established for this plan. Who will develop the plan? Areas of interest should not be used as a starting point. Sanctuary staff made it clear that these AoIs were intended as just that, areas in which some of members of the previous Working Group had an interest in learning more about. To now state that these AoIs should be the first areas to be considered for possible federal MPA nomination would be a disservice to the previous Working Group and would begin the new working group process with an erroneous assumption. It would be preferable instead for the new WG to identify potential areas, if any, where additional protection is needed, for whatever reasons, and proceed from there. It would also be beneficial and logical to first consider areas adjacent to existing state MPAs within the sanctuary (P. Reilly and J. Vasques).

This would be a big mistake. First, the MPA Action Plan ultimately did not receive consensus from the work group. In fact, six members of the MPA work group went on record in writing stating that they did not support this plan. Second, there was no consensus for these areas of interest, and only a few MPA WG members spoke for them. If the heart of this Sanctuary MPA planning process is that it benefits the ecosystem, there is no information that the areas of interest identified have any relation to improvements in ecosystem structure or function. You need to start this process with a blank slate, not with baggage from the first process (SAC Fishing and Harbor reps).

Areas of the adopted MPA Action Plan that require additional input from the working group should be identified. The previous working group accomplish a lot of background research and analysis that can and should be folded into the process. This work should not be lost. The new working group should take a fresh look at the areas of interest (CWG as per K. Gaffney).

4. Stakeholder WG distinct from science panel; science will inform working group activities.

Comments:

We largely agree with this concept of distinct science and stakeholder panels, but we also think that both groups would benefit from dialogue from time to time (SAC Fishing and Harbor reps).

Specific roles and responsibilities of Stakeholder Working Group and science panel should be made very clear upfront via adopted groundrules. Applicants to serve on these groups should agree to these rolls as a precondition of serving (CWG as per K. Gaffney).

5. Develop a new WG: 10 - 15 members using selection criteria, e.g., individuals with willingness and capacity to communicate with broad constituency, diversity of perspectives, constituencies and geography. Some overlap of members from the existing WG and focus on offshore perspectives is needed.

Comments:

I'm not sure why overlap with previous WG is needed. There may be overlap, based on selection criteria and getting the best people. But overlap should not be a selection criteria (C. Harrold).

Assuming you are referring to a stakeholder work group, the first question that the Sanctuary needs to answer is: Who is a stakeholder? Are there different levels of stakeholder interest or importance? What about the MBNMS's stakeholder role? There is social-scientific literature that discusses these questions (SAC Fishing and Harbor reps).

This may have to be expanded to as many as 20 members, based on comments received by SAC members. Possible Additional members include Public-at-large, Harbors, Retail Business, and Seafood Consumers (Paul Reilly and Jason Vasques).

Selection criteria should include commitment to process and timeline for recommendation from Working Group and agreement not to take actions to undermine the process once underway as well as proven ability to work well with others. Facilitators should be involved in selection process. Working Group membership should be balanced between consumptive and nonconsumptive interests (CWG as per K. Gaffney).

6. WG will develop MPA siting alternatives/proposals.

Comments:

This can only happen if criteria developed for MPAs is through a science-based process. We also assume that “minority report” MPA alternatives will be allowed (SAC Fishing and Harbor reps).

or recommend that no additional MPAs are needed (Paul Reilly and Jason Vasques).

Note: The criteria and objectives for developing the MPA siting alternatives and proposals should be clearly crafted and vetted early in this process (Mary Yoklavich).

7. MBNMS staff will complete a characterization of existing protective measures as the ‘status quo’ alternative.

Comments:

It will be critical in this step to make crystal clear the temporal and spatial aspect of existing fisheries regulations. E.g., fishing regulations aren’t MPAs if they change in spatial extent in response to fisheries conditions (C. Harrold).

This has already been done to a large measure. See the ACSF science reports. How will the MBNMS measure the success of its OWN regulations and programs, let alone those of other agencies? This was the question that MBNMS was asked last fall, and it has never answered that question or provided that analysis. It is our conclusion that the MBNMS has no way of measuring these things (SAC Fishing and Harbor reps).

Note: MBNMS staff would do well to consult with PFMC SSC and other fishery scientists as they develop this ‘status quo’ alternative (Mary Yoklavich).

Regarding #7 “status quo alternative”, it was previously discussed at ESNERR RAP meeting to conduct an Institutional Analysis to determine MBNMS’s jurisdiction on issues (who/how, etc.) (Pomeroy comment during RAP meeting)

Are the concepts in a certain order (priority); Wooninck responded “No”, just #1; Chavez suggested the working group should do #7, not MBNMS (Chavez comment during RAP meeting)

From a social science and public policy research perspective, these two comments (1 and 7) are related. Concept 7 could be read as a plan to conduct an “institutional analysis” that identifies agencies and other organizations, their jurisdictions and authorities (e.g., geographic scope, types of activities they govern or have a say in governing, power relative to others), etc. The need for this analysis was identified at our RAP meeting at Elkhorn Slough last September. Such an analysis would be helpful in identifying the full suite of agencies with which the Sanctuary could or should coordinate its efforts (on arrange of issues including but not limited to MPAs). A further note re comment 7: the NEPA-required characterization of the status quo includes the

human as well as the natural (or ecological) environment. This characterization will be essential – and should be very helpful – to required NEPA analyses (C. Pomeroy).

8. Davidson Seamount is part of the Sanctuary when developing alternatives.

Comments:

Agreed, although whether or not it's part of the Sanctuary is almost irrelevant compared to the protections that are in place by the Pacific Council, done to protect intrinsic values and to provide for research (SAC Fishing and Harbor reps).

Note: is DS an official part of the Sanctuary (Mary Yoklavich)?

9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG.

Comments:

The key question, obviously, is who will serve on the Science Panel. The Sanctuary must get the right mix of scientific disciplines and screen for conflict of interests. Whatever “scientific criteria” comes out of this process, it needs to be reviewed by the PFMC Science Committee before it is put into place. This was the expectation that came out of the April SSC meeting. That was not fulfilled in the April 15, 2008 MBNMS “rationale” letter. This step should be clarified in the MBNMS flow chart. We hope that you will seek a science team that reassures the fishing community that the MBNMS is serious about providing top rate science to our resource management questions (SAC Fishing and Harbor reps).

A time frame would be desirable here; shouldn't the criteria and guidelines be developed before the Working Group meets (Paul Reilly and Jason Vasques)?

Note: this step should be connected directly to no. 6 (i.e., Before alternatives/proposal are developed, the WG should have clear idea of how their alternatives will be reviewed by SP (Mary Yoklavich).

The State Science Advisory Team (SAT) had a framework to provide info/advice to the working group and later to evaluate proposals; Do you foresee something similar for this process? Science Team will need a framework (Starr comment during RAP meeting).

The social science expertise on the envisioned Science Panel should include individuals with knowledge and experience in social and economic impact assessment, institutional analysis and public policy analysis. Lisa's June 2008 presentation to the SAC included a good start in outlining this, although the social science and public policy expertise would benefit from explanation and clarification of the social science fields relevant to this process. Some of this was laid out in my May 2008 presentation to the RAP, and in the references provided during and following that presentation – as were the kinds of information and aspects of the MPA process

that social science can inform. (I sent these materials to you recently.) I'd be happy to provide further input on these topics (C. Pomeroy).

10. Scientists can serve on WG, but will represent a constituency and not serve as SP member.

Comments:

The key question, obviously, is who will serve on the Science Panel. The Sanctuary must get the right mix of scientific disciplines and screen for conflict of interests. Whatever "scientific criteria" comes out of this process, it needs to be reviewed by the PFMC Science Committee before it is put into place. This was the expectation that came out of the April SSC meeting. That was not fulfilled in the April 15, 2008 MBNMS "rationale" letter. This step should be clarified in the MBNMS flow chart. We hope that you will seek a science team that reassures the fishing community that the MBNMS is serious about providing top rate science to our resource management questions (SAC Fishing and Harbor reps).

Scientists can serve on WG, but will represent a constituency (scientific community as researchers in MPAs, collectors who may extract from MPAs, etc.) and not serve as SP member. Scientific issues will be addressed by the science panel (CWG as per K. Gaffney).

The social science expertise on the envisioned Science Panel should include individuals with knowledge and experience in social and economic impact assessment, institutional analysis and public policy analysis. Lisa's June 2008 presentation to the SAC included a good start in outlining this, although the social science and public policy expertise would benefit from explanation and clarification of the social science fields relevant to this process. Some of this was laid out in my May 2008 presentation to the RAP, and in the references provided during and following that presentation – as were the kinds of information and aspects of the MPA process that social science can inform. (I sent these materials to you recently.) I'd be happy to provide further input on these topics (C. Pomeroy).

11. WG and SP meetings will be professionally facilitated.

Comments:

Mark Carr relates that the scientists on the state's SAT did not like being facilitated. The first round was facilitated and, according to Mark, it didn't go well. The next round was not facilitated and the meetings were more productive. Also, from my perspective, the facilitator can make or break these meetings. There are good and not-so-good facilitators. I can highly recommend Ann Shullman from Philanthropy Associates. We use her here quite often, and the Packard Foundation has used her. She's up for a challenge, and this would be a challenge (C. Harrold).

Good idea (SAC Fishing and Harbor reps).

Science Panel needs to be chaired but likely does not need a professional facilitator. Working Group does need professional facilitator (CWG as per K. Gaffney).

12. WG and SP meetings will be public and any products made publicly available.

Comments:

Good idea, and particularly, a minimum of a weeks advance notice to the public and to MPA panel members, for the receipt of products, should be required (SAC Fishing and Harbor reps).

It should be clearly stated whether or not a public comment period will occur at each meeting (Paul Reilly and Jason Vasques).

Good (CWG as per K. Gaffney).

13. The WG will have a defined period of time for developing the alternative proposals for MPAs.

Comments:

Understood that a reasonable amount of time with a limit if necessary; however, this process should not follow the example of the State MLPA, for both science and work group processes were too rushed to the detriment of good science (SAC Fishing and Harbor reps).

This is critical. The timeline should also include firm timeline expectations for the process once it leaves the working group – i.e., for NOAA Fisheries, the PFMC and the NMSS itself (CWG as per K. Gaffney).

14. ONMS will conduct studies to collect baseline information on the socio-economic effects of potential Sanctuary MPAs.

Comments:

Socioeconomic studies have been a problem, with neither the fishing industry or the scientific community satisfied with results so far. I doubt that leaving this topic in the hands of ONMS will inspire much trust. It seems like the working group could identify the critical socioeconomic questions and concerns, which would then be followed by some sort of selection process or RFP that would be overseen by the WG. This could lead to greater buy-in by opposing stakeholders (C.Harrod).

You will need to have broad agreement about the nature of these socio-economic studies and also who the contractors will be. Those conducting these studies need to have the confidence of the fishing community. Certainly these studies need to encompass the grouping of different fisheries common to fishing businesses, the effects on communities, and the collective effect of the increasing regulation that has occurred since 1999. The “socio” part of this needs to gauge the effects on communities and individuals, culture and heritage. Studies should also try to

calculate how fishermen will change behavior in response to MPAs, i.e. displacing effort (SAC Fishing and Harbor reps).

ONMS will conduct studies to collect baseline information on the socio-economic effects (both positive and negative) of potential Sanctuary MPAs (CWG as per K. Gaffney).

This part of the process would benefit from attention (and should adhere) to guidelines for social and economic impact assessment, including assessment of community impacts as well as aggregate impacts for the Sanctuary region. Attention to these impacts (positive and negative) will go a long way toward facilitating this process (C. Pomeroy).

15. Use the state MPA network as a starting point to build connectivity between the nearshore and federal offshore waters.

Comments:

Please don't do this. First, there is a legitimate scientific discussion that says that the State's MPA network was not well thought out, therefore adding onto it will simply compound the State's mistake. Second, it will simply confirm the observation from many in the fishing community that the Sanctuary and the State made a deal long ago that would connect new federal Sanctuary MPAs with the State system, therefore this is a fait accompli. Again, you need to start with a clean slate. Don't take on MLPA baggage (SAC Fishing and Harbor reps).

Perhaps this could be incorporated into Concept 3 as part of our suggested revision (Paul Reilly and Jason Vasques).

Note: The west coast groundfish EFH MPAs should also be considered as a starting point (Mary Yoklavich).

This should not preclude consideration of offshore only sites (CWG as per K. Gaffney).

Curious how federal process will interface with State MPAs (Ramp comment during RAP meeting).

16. Adjacent state and federal waters MPAs should generally have parallel regulations where practicable

Comments:

Agreed (SAC Fishing and Harbor reps).

In some cases it may be appropriate to have different regulations in offshore component (CWG as per K. Gaffney).

APPENDIX
(Actual Comments Received)

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Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary (Chris Harrold).

7/14/08. The comments herein are offered by Chris Harrold, chair of the sanctuary Research Activities Panel (RAP) and research seat on the SAC. These comments reflect my own opinion, which is shaped by feed-back from others, the state MLPA process and other knowledge and experience. They do not necessarily accurately reflect the views of the RAP. Comments on these concepts by RAP members, both in writing and from the 7/11/08 RAP meeting, have been conveyed to Lisa Wooninck directly.

1. The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.
2. The ONMS is evaluating the concept of coordination with NOAA Fisheries on the NEPA steps and analysis for this process.
3. The process ahead will capitalize on previous work: incorporate MPA action plan into a "Master plan"* and use areas of interest (AoI) as a starting point for working group (WG).
4. Stakeholder WG distinct from science panel; science will inform working group activities.
5. Develop a new WG: 10 - 15 members using selection criteria, e.g., individuals with willingness and capacity to communicate with broad constituency, diversity of perspectives, constituencies and geography. Some overlap of members from the existing WG and focus on offshore perspectives is needed.
6. WG will develop MPA siting alternatives/proposals.
7. MBNMS staff will complete a characterization of existing protective measures as the 'status quo' alternative.
8. Davidson Seamount is part of the Sanctuary when developing alternatives.
9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG.
10. Scientists can serve on WG, but will represent a constituency and not serve as SP member.
11. WG and SP meetings will be professionally facilitated.
12. WG and SP meetings will be public and any products made publicly available.
13. The WG will have a defined period of time for developing the alternative proposals for MPAs.

14. ONMS will conduct studies to collect baseline information on the socio- economic effects of potential Sanctuary MPAs.
 15. Use the state MPA network as a starting point to build connectivity between the nearshore and federal offshore waters.
 16. Adjacent state and federal waters MPAs should generally have parallel regulations where practicable.
- * Master plan will be a work plan that provides guidance for and describes activities to be undertaken by the working group and science panel as part of the evaluative process to design MPAs in federal waters of the MBNMS for ecosystem objectives.

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RAP comments on MPA process (provided at RAP meeting 7/11/08)

Cailliet: RAP did not agree as a group to move forward with MPAs in Federal waters. MPA process should be left in the hands of NMFS, PFMC

Sharp: NMFS should be given priority to manage living marine resources; agencies shouldn't have overlapping guidance

Yoklavich: NMFS, PFMC is already involved in identification of EFH, and established large MPAs along the coast; therefore "dialogue" (in concept #1) is not strong enough; more structure needs to be involved with EFH process currently going on

Epel: agree with "to preserve for future generations", historically higher diversity in the area, and sad that we have to set aside areas to achieve diversity; he supports this goal (not a comment on concepts)

Ramp: Curious how federal process will interface with State MPAs? Harrold and Wooninck said MBNMS is working with the State and PFMC to develop the MPA process, and NEPA process

Starr: In previous discussions, it was questioned who will have the authority to implement, NMS Act or the PFMC? Wooninck said that MBNMS is engaged in resolving that now (not a comment on concepts)

Pomeroy: Regarding #7 "status quo alternative", it was previously discussed at ESNERR RAP meeting to conduct an Institutional Analysis to determine MBNMS's jurisdiction on issues (who/how, etc.)

Carr: In terms of jurisdiction, CINMS already went through this process, where PFMC closed bottom habitat, and CINMS closed waters above the habitat; we can learn from that process (not a comment on concepts)

Chavez: Are the concepts in a certain order (priority); Wooninck responded "No", just #1; Chavez suggested the working group should do #7, not MBNMS

Sharp: We need "Integrated System Science", in terms of jurisdiction, and not piece meal regulations/management (not a comment on concepts)

Starr: The State Science Advisory Team (SAT) had a framework to provide info/advice to the working group and later to evaluate proposals; Do you foresee something similar for this process? Science Team will need a framework

Carr: This process has evolved towards MLPA-type process, but not Blue Ribbon Task Force; Will the SAC play that role? Wooninck said that the SAC and PFMC will play that role, but not sure how it will work; it is a missing piece *(not a comment on concepts)*

| *Satie Airame: The Channel Islands process did not have an oversight body, and it was difficult; therefore something separate from the SAC is needed; Cailliet strongly seconded that (not a comment on concepts)*

| Pomeroy: Feds will do NEPA process, which is beyond what the state did; State's process was simpler; NOAA will ultimately make a decision here.

July 14, 2008

Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

Dear Paul:

We, the undersigned Sanctuary Advisory Council-members, submit these comments regarding your email of July 2, 2008 and the MPA planning concepts presented to the SAC on June 20, 2008.

First, we would like to point out that the actions which were expected at the June 20th meeting regarding the MPA planning concepts occurred contrary to SAC protocols, and occurred contrary to established governance principles by which we have come to expect from governing bodies. Section 10 of the Federal Advisory Committee Act requires the Sanctuary to provide timely public notice of advisory committee actions. The public was not notified of the SAC's decision to vote on the issue. This item was only listed as a "briefing" on the public agenda as found on the MBNMS website. There was no public notice given that indicated this was becoming an "action" item. The only notice that occurred was sent directly to a selected public (the members of the SAC) and it was sent some 15 hours or so before the meeting began, not the three days that is recommended in the SAC protocols. I am sure you are aware that this whole MPA planning process and topic is one of great interest to the public. We believe that these topics need to be revisited at a properly noticed public meeting and that the motion adopted by the SAC in June is not a valid action. It should be discussed again, and voted on again in some manner at a properly noticed public meeting. We keep hearing how the MBNMS will have an "open, fair, and transparent process," so we think you should be prepared to have MBNMS actions compared to this standard.

Regarding your request for comments on the powerpoint slides shown on June 20th, please accept these comments:

The first slide, announcing MPAs as an ecosystem-based tool - we wonder when and by whom the Sanctuary is going to conduct an analysis of the existing protections, including spatial protections, that already exist for accomplishing the three goals that you have stated. We also wonder, as did the PFMCA, when the Sanctuary will create criteria by which MPA proposals will be measured? We also specifically wonder when the Sanctuary will engage with the variety of spatial management that already exists, and try to make sense out of these different measures with regard to the Sanctuary Program's mandate to provide coordinated and comprehensive management. We note that this is not limited to federal waters. You should be aware that fishermen and others who participate in this MPA process will be looking for a coordinated effort and will not want to see MPAs just layered upon or placed adjacent to existing MPAs without analysis about whether those MPAs, either individually or as a system, make sense. We

want to review the whole picture, i.e., the ecosystem, and feel that this is where the discussion should start.

- Regarding the second slide labeled “SAC Advice,” we think you know that many people, including some existing SAC members, question whether the Sanctuary Advisory Council actually represents the community. We think the Sanctuary program will need to look beyond the SAC for true community representation.

Regarding the specific concepts, our comments are as follows:

Concept One

Agreed, although we aren’t sure what role you see for the California Department of Fish and Game. Hopefully this is to analyze the degree to which State MPAs actually contribute to ecosystem health.

Concept Two

Agree.

Concept Three

This would be a big mistake. First, the MPA Action Plan ultimately did not receive consensus from the work group. In fact, six members of the MPA work group went on record in writing stating that they did not support this plan. Second, there was no consensus for these areas of interest, and only a few MPA WG members spoke for them. If the heart of this Sanctuary MPA planning process is that it benefits the ecosystem, there is no information that the areas of interest identified have any relation to improvements in ecosystem structure or function. You need to start this process with a blank slate, not with baggage from the first process.

Concept Four

We largely agree with this concept of distinct science and stakeholder panels, but we also think that both groups would benefit from dialogue from time to time.

Concept Five

Assuming you are referring to a stakeholder work group, the first question that the Sanctuary needs to answer is: Who is a stakeholder? Are there different levels of stakeholder interest or importance? What about the MBNMS’s stakeholder role? There is social-scientific literature that discusses these questions.

Concept Six

This can only happen if criteria developed for MPAs is through a science-based process. We also assume that “minority report” MPA alternatives will be allowed.

Concept Seven

This has already been done to a large measure. See the ACSF science reports. How will the MBNMS measure the success of its OWN regulations and programs, let alone those of other agencies? This was the question that MBNMS was asked last fall, and it has never answered that

question or provided that analysis. It is our conclusion that the MBNMS has no way of measuring these things.

Concept Eight

Agreed, although whether or not it's part of the Sanctuary is almost irrelevant compared to the protections that are in place by the Pacific Council, done to protect intrinsic values and to provide for research.

Concepts Nine & Ten

The key question, obviously, is who will serve on the Science Panel. The Sanctuary must get the right mix of scientific disciplines and screen for conflict of interests. Whatever "scientific criteria" comes out of this process, it needs to be reviewed by the PFMC Science Committee before it is put into place. This was the expectation that came out of the April SSC meeting. That was not fulfilled in the April 15, 2008 MBNMS "rationale" letter. This step should be clarified in the MBNMS flow chart. We hope that you will seek a science team that reassures the fishing community that the MBNMS is serious about providing top rate science to our resource management questions.

Concept Eleven

Good idea.

Concept Twelve

Good idea, and particularly, a minimum of a weeks advance notice to the public and to MPA panel members, for the receipt of products, should be required.

Concept Thirteen

Understood that a reasonable amount of time with a limit if necessary; however, this process should not follow the example of the State MLPA, for both science and work group processes were too rushed to the detriment of good science.

Concept Fourteen

You will need to have broad agreement about the nature of these socio-economic studies and also who the contractors will be. Those conducting these studies need to have the confidence of the fishing community. Certainly these studies need to encompass the grouping of different fisheries common to fishing businesses, the effects on communities, and the collective effect of the increasing regulation that has occurred since 1999. The "socio" part of this needs to gauge the effects on communities and individuals, culture and heritage. Studies should also try to calculate how fishermen will change behavior in response to MPAs, i.e. displacing effort.

Concept Fifteen

Please don't do this. First, there is a legitimate scientific discussion that says that the State's MPA network was not well thought out, therefore adding onto it will simply compound the State's mistake. Second, it will simply confirm the observation from many in the fishing community that the Sanctuary and the State made a deal long ago that would connect new federal Sanctuary MPAs with the State system, therefore this is a fait accompli. Again, you need to start with a clean slate. Don't take on MLPA baggage.

Concept Sixteen

Agreed.

Regarding the draft “stakeholder working group” representation slide, we wonder what public in federal waters is represented by “recreation?” Is this seat needed? We also wonder about the draft seat for “conservation/birds” and “mammals.” By having these potential seats, is it being communicated that the Sanctuary is going to violate the best available science on the effects of fishing in waters deeper than 50 meters and propose complete marine reserves in federal waters? Assuming the Sanctuary will live up to its commitment to use the best available science, then these conservation/bird and mammal seats are unnecessary. Likewise, the “education” seat is questionable. How would education be advanced or harmed from the creation of additional MPAs? Also, what is the basis for “business/tourism?” It is hard to image that whale watching would be affected by deep water MPAs. But certainly, tourism in local communities could be, in a negative way. Also, it’s obvious that harbors and harbor communities are missing from this list, and certainly they have a stakeholder interest in the outcome. On this point, we would also remark that the Sanctuary will need to include fishermen and perhaps harbor representatives from the Morro Bay/Port San Luis area as well, because they commonly fish in the waters of the Monterey Bay Sanctuary. The MBNMS will also need a charter fishing boat representative. Lastly, regarding the staff members - can we presume that these are “non-voting” folks who are there to answer questions; or, what is their role?

Regarding the “science panel expertise” slide, the “social” category - certainly you should include a social scientist. In the biology panel we don’t see a reason to have a bird expert if the Sanctuary is respecting the fifty-meter rule. In the “other” category, it is curious why the RAP is now being involved and consulted when they weren’t asked to be involved in the fundamental decision of need.

For the slide entitled “PFMC June Meeting,” we wonder if the SAC is aware that the Science and Statistical Committee found the Sanctuary’s April 15th rationale to be very light on rationales. It was, in fact, criticized for not having a balanced presentation of the scientific literature and citing literature that had been previously debunked upon peer review. The SSC also stated that even though it was supporting a process to move forward with looking at MPAs, it did not mean that they felt that new MPAs were needed and that the status quo alternative needed to be fully developed accordingly. Who is going to do this? Since the MBNMS (by the content of its 2/15 and 4/15 letters) has positioned itself as a stakeholder, we believe that it can’t do it fairly. In fact, having a stakeholder be in charge of a public process is not a good idea, and likely to bias the outcome.

With regard to the questionable motion passed by the SAC on June 20th, we do not think that we should have anything to say about who represents “conservation/ecosystem,” but likewise we don’t think that the conservation or research SAC seats should have anything to say about who represents the recreational and commercial fishing industry or harbors. We must be able to choose our own representatives for this process. Also, there is, so far, silence on how this work group will function, meaning will consensus be required or will it be the same dynamics of just open group discussion wherein the Sanctuary staff ultimately is the decision-maker? Related to

that is the question of alternative proposals or minority reports, which we strongly encourage this process to allow for.

Thank you for considering these comments.

Sincerely,

Kathy Fosmark
SCA Primary Commercial Fishing

Tom Canale
SAC Alternate Commercial Fishing

Howard Egan
SAC Primary Recreational Fishing

Linda McIntyre
SAC Primary Harbors

Peter Grenell
SAC Alternate Harbors

Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary.

Comments submitted by Paul Reilly and Jason Vasques, CDFG July 9, 2008

1. The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.
2. The ONMS is evaluating the concept of coordination with NOAA Fisheries on the NEPA steps and analysis for this process.
3. The process ahead will capitalize on previous work: incorporate MPA action plan into a “Master plan”[‡] and use areas of interest (AoI) as a starting point for working group (WG). *We would caution against using the title “Master Plan” as the public could become confused with the Master Plan used in the State’s effort. Perhaps “Federal MPA Process Guidance Document”, or “Federal MPA Work Plan” would be more appropriate. A timeline needs to be established for this plan. Who will develop the plan? Areas of interest should not be used as a starting point. Sanctuary staff made it clear that these AoIs were intended as just that, areas in which some of members of the previous Working Group had an interest in learning more about. To now state that these AoIs should be the first areas to be considered for possible federal MPA nomination would be a disservice to the previous Working Group and would begin the new working group process with an erroneous assumption. It would be preferable instead for the new WG to identify potential areas, if any, where additional protection is needed, for whatever reasons, and proceed from there. It would also be beneficial and logical to first consider areas adjacent to existing state MPAs within the sanctuary.*
4. Stakeholder WG distinct from science panel; science will inform working group activities.
5. Develop a new WG: 10 - 15 members using selection criteria, e.g., individuals with willingness and capacity to communicate with broad constituency, diversity of perspectives, constituencies and geography. Some overlap of members from the existing WG and focus on offshore perspectives is needed. *This may have to be expanded to as many as 20 members, based on comments received by SAC members. Possible Additional members include Public-at-large, Harbors, Retail Business, and Seafood Consumers.*
6. WG will develop MPA siting alternatives/proposals *or recommend that no additional MPAs are needed.*
7. MBNMS staff will complete a characterization of existing protective measures as the ‘status quo’ alternative.
8. Davidson Seamount is part of the Sanctuary when developing alternatives.

9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG. *A time frame would be desirable here; shouldn't the criteria and guidelines be developed before the Working Group meets?*
10. Scientists can serve on WG, but will represent a constituency and not serve as SP member.
11. WG and SP meetings will be professionally facilitated.
12. WG and SP meetings will be public and any products made publicly available. *It should be clearly stated whether or not a public comment period will occur at each meeting.*
13. The WG will have a defined period of time for developing the alternative proposals for MPAs.
14. ONMS will conduct studies to collect baseline information on the socio- economic effects of potential Sanctuary MPAs. *When will this occur?*
15. Use the state MPA network as a starting point to build connectivity between the nearshore and federal offshore waters. *Perhaps this could be incorporated into Concept 3 as part of our suggested revision.*
16. Adjacent state and federal waters MPAs should generally have parallel regulations where practicable.

~~* Master plan will be a work plan that provides guidance for and describes activities to be undertaken by the working group and science panel as part of the evaluative process to design MPAs in federal waters of the MBNMS for ecosystem objectives.~~

Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary (Mary Yoklavich).

1. The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.

Note: PFMC has recently established a Groundfish Essential Fish Habitat Review Committee, which is made up of fishery scientists (myself as one), seafloor geologists (Gary Greene included), and reps from NMS (Bowlby from OCNMS and Reyna from GOFNMS), Fishing Industry, Enforcement, and Conservation (Oceana and PMCC). This committee was identified in the Council's Amendment 19 to the Pacific Coast Groundfish Management Plan with the general duty of reviewing and recommending modifications in the designation of groundfish EFH and habitat areas of particular concern (HAPC). The large EFH MPAs off the west coast will be part of this review process. The MBNMS MPA process should coordinate in particular with this Review Committee.

2. The ONMS is evaluating the concept of coordination with NOAA Fisheries on the NEPA steps and analysis for this process.

3. The process ahead will capitalize on previous work: incorporate MPA action plan into a "Master plan" and use areas of interest (AoI) as a starting point for working group (WG).

4. Stakeholder WG distinct from science panel; science will inform working group activities.

5. Develop a new WG: 10 - 15 members using selection criteria, e.g., individuals with willingness and capacity to communicate with broad constituency, diversity of perspectives, constituencies and geography. Some overlap of members from the existing WG and focus on offshore perspectives is needed.

6. WG will develop MPA siting alternatives/proposals.

Note: The criteria and objectives for developing the MPA siting alternatives and proposals should be clearly crafted and vetted early in this process.

7. MBNMS staff will complete a characterization of existing protective measures as the 'status quo' alternative. Note: MBNMS staff would do well to consult with PFMC SSC and other fishery scientists as they develop this 'status quo' alternative.

8. Davidson Seamount is part of the Sanctuary when developing alternatives.

Note: is DS an official part of the Sanctuary?

9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG. Note: this step should be connected directly to no. 6 (i.e., Before alternatives/proposal are developed, the WG should have clear idea of how their alternatives will be reviewed by SP.

10. Scientists can serve on WG, but will represent a constituency and not serve as SP member.

11. WG and SP meetings will be professionally facilitated.

12. WG and SP meetings will be public and any products made publicly available.

13. The WG will have a defined period of time for developing the alternative proposals for MPAs.

14. ONMS will conduct studies to collect baseline information on the socio- economic effects of potential Sanctuary MPAs.

15. Use the state MPA network as a starting point to build connectivity between the nearshore and federal offshore waters. Note: The west coast groundfish EFH MPAs should also be considered as a starting point.

16. Adjacent state and federal waters MPAs should generally have parallel regulations where practicable.

~~* Master plan will be a work plan that provides guidance for and describes activities to be undertaken by the working group and science panel as part of the evaluative process to design MPAs in federal waters of the MBNMS for ecosystem objectives.~~

~~DRAFT Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary.~~

~~1. — The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.~~

~~Timelines for input by coordinating agencies should be made clear to ensure opportunities to comments do not unduly delay the process.~~

~~2. — The ONMS is evaluating the concept of coordination with NOAA Fisheries on the NEPA steps and analysis for this process.~~

~~3. — The process ahead will capitalize on previous work: incorporate MPA action plan into a “Master plan”* and use areas of interest (AoI) as a starting point for working group (WG). Areas of the adopted MPA Action Plan that require additional input from the working group should be identified. The previous working group accomplish a lot of background research and analysis that can and should be folded into the process. This work should not be lost. The new working group should take a fresh look at the areas of interest.~~

~~4. — Stakeholder WG distinct from science panel; science will inform working group activities.~~

~~Specific roles and responsibilities of Stakeholder Working Group and science panel should be made very clear upfront via adopted groundrules. Applicants to serve on these groups should agree to these rolls as a precondition of serving.~~

~~5. — Develop a new WG: 10–15 members using selection criteria, e.g., individuals with willingness and capacity to communicate with broad constituency, diversity of perspectives, constituencies and geography. Some overlap of members from the existing WG and focus on offshore perspectives is needed. Selection criteria should include commitment to process and timeline for recommendation from Working Group and agreement not to take actions to undermine the process once underway as well as proven ability to work well with others. Facilitators should be involved in selection process. Working Group membership should be balanced between consumptive and nonconsumptive interests.~~

~~6. — WG will develop MPA siting alternatives/proposals.~~

~~7. — MBNMS staff will complete a characterization of existing protective measures as the ‘status quo’ alternative.~~

~~8. — Davidson Seamount is part of the Sanctuary when developing alternatives.~~

~~9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG.~~

~~10. Scientists can serve on WG, but will represent a constituency (scientific community as researchers in MPAs, collectors who may extract from MPAs, etc.) and not serve as SP member. Scientific issues will be addressed by the science panel.~~

~~11. WG and SP meetings will be professionally facilitated. Science Panel needs to be chaired but likely does not need a professional facilitator. Working Group does need professional facilitator.~~

~~12. WG and SP meetings will be public and any products made publicly available. Good.~~

~~13. The WG will have a defined period of time for developing the alternative proposals for MPAs. This is critical. The timeline should also include firm timeline expectations for the process once it leaves the working group—i.e., for NOAA Fisheries, the PFMC and the NMSS itself.~~

~~14. ONMS will conduct studies to collect baseline information on the socio-economic effects (both positive and negative) of potential Sanctuary MPAs.~~

~~15. Use the state MPA network as a starting point to build connectivity between the nearshore and federal offshore waters. This should not preclude consideration of offshore-only sites.~~

~~16. Adjacent state and federal waters MPAs should generally have parallel regulations where practicable. In some cases it may be appropriate to have different regulations in offshore component.~~

~~* Master plan will be a work plan that provides guidance for and describes activities to be undertaken by the working group and science panel as part of the evaluative process to design MPAs in federal waters of the MBNMS for ecosystem objectives.~~

DRAFT Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary (CWG as per K. Gaffney).

1. The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.
Timelines for input by coordinating agencies should be made clear to ensure opportunities to comments do not unduly delay the process.
2. The ONMS is evaluating the concept of coordination with NOAA Fisheries on the NEPA steps and analysis for this process.
3. The process ahead will capitalize on previous work: incorporate MPA action plan into a “Master plan”^{*} and use areas of interest (AoI) as a starting point for working group (WG).Areas of the adopted MPA Action Plan that require additional input from the working group should be identified. The previous working group accomplish a lot of background research and analysis that can and should be folded into the process. This work should not be lost. The new working group should take a fresh look at the areas of interest.
4. Stakeholder WG distinct from science panel; science will inform working group activities.
Specific roles and responsibilities of Stakeholder Working Group and science panel should be made very clear upfront via adopted groundrules. Applicants to serve on these groups should agree to these rolls as a precondition of serving.
5. Develop a new WG: 10 - 15 members using selection criteria, e.g., individuals with willingness and capacity to communicate with broad constituency, diversity of perspectives, constituencies and geography. Some overlap of members from the existing WG and focus on offshore perspectives is needed. Selection criteria should include commitment to process and timeline for recommendation from Working Group and agreement not to take actions to undermine the process once underway as well as proven ability to work well with others. Facilitators should be involved in selection process. Working Group membership should be balanced between consumptive and nonconsumptive interests.
6. WG will develop MPA siting alternatives/proposals.
7. MBNMS staff will complete a characterization of existing protective measures as the ‘status quo’ alternative.
8. Davidson Seamount is part of the Sanctuary when developing alternatives.
9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG.
10. Scientists can serve on WG, but will represent a constituency (scientific community as researchers in MPAs, collectors who may extract from MPAs, etc.) and not serve as SP member. Scientific issues will be addressed by the science panel.

11. WG and SP meetings will be professionally facilitated. Science Panel needs to be chaired but likely does not need a professional facilitator. Working Group does need professional facilitator.
12. WG and SP meetings will be public and any products made publicly available. Good.
13. The WG will have a defined period of time for developing the alternative proposals for MPAs. This is critical. The timeline should also include firm timeline expectations for the process once it leaves the working group – i.e., for NOAA Fisheries, the PFMC and the NMSS itself.
14. ONMS will conduct studies to collect baseline information on the socio-economic effects (both positive and negative) of potential Sanctuary MPAs.
15. Use the state MPA network as a starting point to build connectivity between the nearshore and federal offshore waters. This should not preclude consideration of offshore only sites.
16. Adjacent state and federal waters MPAs should generally have parallel regulations where practicable. In some cases it may be appropriate to have different regulations in offshore component.

~~* Master plan will be a work plan that provides guidance for and describes activities to be undertaken by the working group and science panel as part of the evaluative process to design MPAs in federal waters of the MBNMS for ecosystem objectives.~~

Comments on Process Concepts from Carrie Pomeroy

Dear Lisa,

I appreciate the opportunity to comment on the Sanctuary's draft "Concepts for a Process to Move Ahead with MPAs in the Monterey Bay National Marine Sanctuary." The concepts are a bit challenging to respond to without further information on the kind of feedback desired. (e.g., Are the concepts valid? Should they be grouped and/or ordered in terms of priority, scale or scope, etc.?) That said, I have a few comments.

Concepts 1 and 7:

1. The MPA planning process will provide for dialogue and coordination with NOAA Fisheries, PFMC, and CDFG.
7. MBNMS staff will complete a characterization of existing protective measures as the 'status quo' alternative.

From a social science and public policy research perspective, these two comments are related. Concept 7 could be read as a plan to conduct an "institutional analysis" that identifies agencies and other organizations, their jurisdictions and authorities (e.g., geographic scope, types of activities they govern or have a say in governing, power relative to others), etc. The need for this analysis was identified at our RAP meeting at Elkhorn Slough last September. Such an analysis would be helpful in identifying the full suite of agencies with which the Sanctuary could or should coordinate its efforts (on arrange of issues including but not limited to MPAs).

A further note re comment 7: the NEPA-required characterization of the status quo includes the human as well as the natural (or ecological) environment. This characterization will be essential – and should be very helpful – to required NEPA analyses.

Concepts 9 and 10:

9. Science panel (SP) will develop scientific criteria and guidelines, and review MPA proposals developed by the WG.
10. Scientists can serve on WG, but will represent a constituency and not serve as SP member.

The social science expertise on the envisioned Science Panel should include individuals with knowledge and experience in social and economic impact assessment, institutional analysis and public policy analysis. Lisa's June 2008 presentation to the SAC included a good start in outlining this, although the social science and public policy expertise would benefit from explanation and clarification of the social science fields relevant to this process. Some of this was laid out in my May 2008 presentation to the RAP, and in the references provided during and following that presentation – as were the kinds of information and aspects of the MPA process that social science can inform. (I sent these materials to you recently.) I'd be happy to provide further input on these topics.

Comment 14: ONMS will conduct studies to collect baseline information on the socio-economic effects of potential Sanctuary MPAs.

This part of the process would benefit from attention (and should adhere) to guidelines for social and economic impact assessment, including assessment of community impacts as well as aggregate impacts for the Sanctuary region. Attention to these impacts (positive and negative) will go a long way toward facilitating this process.

Regards,
Carrie